

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROBERT W. TATE,

Petitioner,

Case Number: 2:06-CV-13156

v.

RAYMOND BOOKER,

Respondent.

**ORDER DENYING WITHOUT PREJUDICE PETITIONER'S
"MOTION FOR THE APPOINTMENT OF COUNSEL"**

Petitioner Robert W. Tate has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, alleging that he is incarcerated in violation of his constitutional rights. Before the court is Petitioner's "Motion for the Appointment of Counsel."

There exists no constitutional right to the appointment of counsel in civil cases, and the court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) ("[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.") (internal quotation omitted). A habeas petitioner may obtain representation at any stage of the case "[w]henver the United States magistrate or the court determines that the interests of justice so require." 18 U.S.C. § 3006A(a)(2)(B). In the instant case, the court determines after careful consideration that the interests of justice do not require appointment of counsel at this time.

Accordingly, IT IS ORDERED that Petitioner's "Motion for the Appointment of

Counsel" [Dkt. # 2] is DENIED WITHOUT PREJUDICE. The court will reconsider Petitioner's motion if it determines at a later date that appointment of counsel is necessary.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 24, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 24, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522